

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2590 OF 2005

Shri Dnyandev Appa Rao Shendge ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.M.S.Mohite for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 2, 2005.

P.C.

1. Heard Counsel for the parties.

2. I have already recorded reasons while rejecting the anticipatory bail application in the companion Application being Application No.2445 of 2005. Same reasons would apply to the present Application, which is filed by another Director of the Bank.

3. Mr.Mohite for the Applicant, however,

submits that the case of the present Applicant be treated separately and with some compassion. It is submitted that the Applicant was appointed against the reserve category seat of Director, as he belongs to Nomadic Tribe. He was employed with the Post and Telegraphic Department and after attaining super-annuation, was offered the post of Director.

4. Even so, the fact remains that the Applicant was party to the Resolution along with the other Directors. Besides, the Applicant has also availed of loan facility, though only for a sum of Rs.2,00,000/- (Rupees Two Lakhs) (sanctioned loan), out of which, Rs.65,000/- (Rupees Sixty-five Thousand) has been availed.

5. Be that as it may, since the Applicant is also Director of the Bank and party to the Resolution, which favoured the close relations of the Chairman, Vice-Chairman, Managing Director and Assistant Managing Director, the reasons for rejecting Anticipatory Bail Application of other Directors by separate order, would apply even in the case of the present Applicant, who is one of

the Director of the Bank. Hence, not a case for Anticipatory Bail. I see no reason to depart from the opinion of the lower Court in rejecting the prayer for anticipatory bail of the present Applicant. Hence, rejected.

6. At this stage, Mr.Mohite prays that the Applicant be given some time to surrender before the appropriate Court. That be done on or before 9th May 2005, as it is stated that the Applicant is unwell.

7. The Applicant shall give advance notice to the Investigating Officer before moving the appropriate Court for regular bail.

8. In the event, Applicant fails to surrender before the appropriate Court on or before 9th May 2005, it will be open to the Investigating Officer to proceed against the Applicant in accordance with law.

9. Till such time, the Applicant shall co-operate for the purpose of investigation as and

when called upon.

10. Needless to observe that rejection of the Anticipatory Bail ought not to influence the Application for regular bail, which may be made by the respective Applicants which in turn, will have to be decided on its own merits in accordance with law.

11. Application disposed of on the above terms.

A.M.KHANWILKAR, J.